

Remarks

Claims 1, 2, 4, 6, and 8 through 20 are now pending.

The Rejection

The following patents have been relied upon to reject various of the Applicants' claims:

U.S. Patents

6,071,995	Labauze
6,013,718	Cabioch et al. (Cabioch)
6,075,084	Mabry et al. (Mabry)

Rejections Under 35 U.S.C. Section 103

Claims 1 through 20, prior to their amendments, have been rejected under 35 U.S.C.

Section 103(a) as being obvious over Labauze in view of Cabioch and Mabry.

A reconsideration of the rejection of the Applicants' claims is requested in view of significant amendments made to the claims and comments herein.

The Invention

It is important to appreciate that the Applicants' claimed invention is directed to a tire having at least one component of a rubber composition comprised of:

(A) At least one styrene/butadiene rubber as a composite of SBR-1 and SBR-2,

wherein SBR-2 is functionalized according to at least one of the general Formula (I), (I-A) and (I-B) in the sense of containing internal silanol or siloxy groups and wherein the composite is bimodal insofar as its molecular weight is concerned;

(B) reinforcement which is comprised of carbon black (the reference to silica-containing carbon black has been deleted) in which a specialized precipitated silica is used which contains geminal hydroxyl groups.

(C) specified coupling agents insofar as dependent claims 10, 11, 13 through 16 and 19 are concerned.

Discussion

The Labauze reference is directed to a rubber composition which is required to contain:

- (A) carbon black having silica fixed to its surface (which is not required by the Applicants claimed invention), and
- (B) a functionalized elastomer which may be a styrene/butadiene elastomer which contains silanol function at one end of its chain (not required by the Applicants' claimed invention) and silanol functions contained along its chain.

While Labauze allows that its rubber composition may contain other elastomers as a blend with its described functionalized styrene/butadiene elastomer (such as for example according to the Examiner, other styrene/butadiene elastomers), it is not seen that Labauze teaches or suggests any composite of SBR-1 and SBR-2 with its bimodal molecular weight feature as required by the Applicants' amended claim 1.

Moreover, it is not seen that Labauze teaches or suggests a combination of the Applicants' required functionalized styrene/butadiene composite in combination with the silica coupler combinations set forth in the Applicants' claims 10, 11, 13 through 16 and 19.

Therefore, it is contended that the Labauze reference alone is materially deficient for rejecting the invention of the Applicants' amended claims obvious in the sense of 35 U.S.C. Section 103(a) without a considerable reconstruction of Labauze in the absence of the Applicants' own specification and claims.

The Cabioch reference relates to a rubber composition comprised of a diene polymer which has a chain end of a silanol functional group or of a polysiloxane block which has a silanol end and which contains silica as a predominate reinforcing filler. It seems clear that the functional diene polymer mentioned in Cabioch is not the internally functional, molecular weight bimodal styrene/butadiene elastomer required by the invention of the Applicants amended claims.

Accordingly, Cabioch, alone, is materially deficient for a purpose of rejecting the Applicants' amended claims as being obvious in the sense of 35 U.S.C. Section 103(a).

Moreover, it seems clear that Cabioch does not remedy the aforesaid material deficiencies of Labauze.

Further, there is no motivation in Labauze to use the composition of Cabioch and no motivation in Cabioch to use the composition of Labauze to arrive at the invention of the Applicants' amended claims without a considerable reconstruction of Labauze or Cabioch in the presence of the Applicants' own specification and claims.

Accordingly, it is contended that a *prima facie* case of obviousness of the invention of the Applicants' amended claims is not made out by a combination of the Labauze and Cabioch references.

Mabry is directed to elastomer composite blends produced by wet mixing (latex blending) and dry mixing (blending the blend resulting from the latex mixing). Nowhere is it seen that Mabry teaches or suggests the composite of SBR-1 and SBR-2 required by the invention of the Applicants' amended claims which contain the internal silanol or siloxane groups and bimodal molecular weight distribution.

Accordingly, Mabry, alone, is materially deficient for a purpose of rejecting the Applicants' amended claims as being obvious in the sense of 35 U.S.C. Section 103(a).

Moreover, it seems clear that Mabry does not remedy the aforesaid material deficiencies of Labauze or Cabioch.

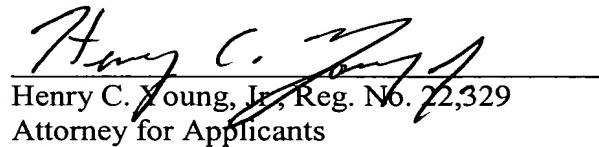
Further, there is no motivation in Mabry to use the composition of Cabioch or Labauze and no motivation in Cabioch or Labauze to use the composition of Mabry to arrive at the invention of the Applicants' amended claims without a considerable reconstruction of Mabry, Labauze or Cabioch in the presence of the Applicants' own specification and claims.

Accordingly, it is contended that a *prima facie* case of obviousness of the invention of the Applicants' amended claims is not made out by a combination of Mabry taken with any of Labauze and Cabioch references.

Conclusion

In view of the amendments made to the claims and comments herein it is contended that the invention of the Applicants' amended claims is not obvious in view of Labauze taken with any of Cabioch and Mabry under 35 U.S.C. Section 103(a) and that a prima facie case of obviousness of the invention of the Applicants' amended claims is not made out.

Respectfully submitted,


Henry C. Young, Jr., Reg. No. 22,329
Attorney for Applicants

The Goodyear Tire & Rubber Company
Intellectual Property Law Department 823
1144 East Market Street
Akron, Ohio 44316-0001
Telephone: (330) 796-2956